

FORTY-SECOND DAY.

SENATE CHAMBER,
AUSTIN, February 28, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator McDonald,

The reading of the Journal of yesterday was dispensed with.

The following messages were received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed to inform the Senate that the House has passed House substitute bill for Senate bill No. 1, a bill to be entitled "An act to provide for the printing and publishing the decisions of the Supreme Court and of the Court of Appeals for the State of Texas," under a suspension of a constitutional rule and by a two-thirds vote, there being yeas, 82; nays, 18.

W. M. IMBODEN,
Chief Clerk of the House.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed, under a suspension of the constitutional rule and by a two-thirds vote—91 ayes, no nays,

House bill No. 436, a bill to be entitled "An act to grant a new charter to the city of El Paso."

W. M. IMBODEN,
Chief Clerk House of Representatives.

HOUSE OF REPRESENTATIVES,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate

SIR—The House has given the House members of the conference committee on substitute House bill No. 21, known as the bill to validate certain sales of the Land Board, free conference powers.

W. M. IMBODEN,
Chief Clerk House of Representatives.

PETITIONS AND MEMORIALS.

By Senator Kimbrough:

Memorial from manufacturers of the city of Dallas, praying for relief from excessive freight rates, and recommending that a maximum rate of not exceeding twenty-five cents per hundred pounds for the first hundred miles and twelve and one-half cents per hundred pounds for each additional hundred miles.

Referred to Committee on Internal Improvements.

By Senator Seale:

Petition of citizens of Tyler county, asking to be relieved from the operation of the game law.

Referred to Committee on State Affairs.

Petition of Burkeville Grange No. 976, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Petition of citizens of Polk county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Simkins:

Petition of fifty-three citizens of Freestone county, favoring a railroad commission and the continuation of the occupation tax.

Referred to Committee on Internal Improvements.

By Senator Stephens:

Petition of citizens of Young county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator McDonald:

Petition of five citizens of Lamar county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Protest of forty-nine merchants and farmers of Clarksville against a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Burney:

Petition of one hundred citizens of Mason county favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Stephens:

Resolution of Montague county.

Farmers' Alliance, No. 186, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Woodward:

Resolution of Atascosca county Farmers' Alliance, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Resolution of DeWitt county Alliance, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Sims:

Petition of citizens of Comanche county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Ingram:

Petition of citizens of Panola county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Burges:

Petition of thirty-nine voters of Guadalupe county, favoring a railroad commission.

Referred to Committee on Internal improvements.

REPORTS OF STANDING COMMITTEES.

By Senator Woodward:

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 105, entitled "An act to add section 9a to chapter 76, acts of 1879, entitled an act to give effect to section 2, article 9, of the Constitution, regulating the manner of removing and locating county seats,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do not pass.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Counties and County Boundaries, to whom was referred

House bill No. 290, entitled "An act to create and provide for the organization of the county of Irion,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

WOODWARD,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 436, entitled "An act to grant a new charter to the city of El Paso,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

By Senator Davis:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Private Land Claims, to whom was referred

Senate bill No. 252, entitled "An act supplemental to an act for the relief of Erastus Smith, approved November 11, 1836,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill authorizes the Commissioner of the General Land Office to issue to the heirs of Erastus Smith a certificate for one league and one labor of land, to be located upon any vacant public lands of the State.

All of which is respectfully submitted.

DAVIS,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 257, entitled "An act to create a State board of health, to prevent the spread of diseases in this State,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 239, on the same subject.

All of which is respectfully submitted.

ATLEE,
Chairman.

Bill read first time.

By Senator Atlee:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Health, to whom was referred

Senate bill No. 239, entitled "An act to create a State board of health, for the better protection of life and health and the prevention of the spread of diseases in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ATLEE,
Chairman.

Bill read first time.

By Senator Burney:

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Education, to whom was referred

Senate bill No. 268, entitled "An act to establish county academies to teach industrial training and to make appropriations therefor,"

Have had the same under consideration, and instruct me to report it back

to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

BURNEY,
Chairman.

Bill read first time.

By Senator Abercrombie:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 316, entitled "An act to amend an act passed by the Twentieth Legislature at its regular session, approved April 2, 1887, entitled an act to amend an act passed at the regular session of the Eighteenth Legislature and approved April 18 1883, entitled an act to amend article 430, of section 1, and to repeal section 2 of an act entitled an act to amend articles 423, 424, 425, 426, 427, 428, 429 and 430a, and to create article 426 1-2, and to repeal article 430, of chapter 5, title 13, of the Penal Code of the Revised Statutes, for the protection of fish and game, approved March 15, 1881,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill exempts the counties of Jasper, Newton and Tyler from the provisions of above act.

All of which is respectfully submitted.

ABERCROMBIE,
Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

House bill No. 7, entitled "An act to amend sections 7, 14, 15, 23 and 38, of the charter of the city of Houston,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 297, being "An act to authorize the commissioners' court of Hidalgo county to issue bonds for the protection of the court house and jail and other property from further erosion of the Rio Grande river, and to levy a tax to pay the interest and principal thereof,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 303, being "An act to restore and confer upon the county court of Wilson county the civil and criminal jurisdiction heretofore belonging to said court under the Constitution and general statutes of the State, to conform the jurisdiction of the district court of said county to such change and to repeal all laws in conflict with the provisions of this act,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 58, entitled "An act to amend section 1 of an act entitled an act to provide annual pensions for the surviving indigent soldiers or indigent volunteers of the Texas Revolution, and the indigent signers of the Declaration of Independence, and the indigent surviving widows of such soldiers, volunteers and signers, and to repeal all laws and parts of laws in conflict therewith, passed by the Nineteenth Legislature,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that the accompanying substitute therefor do pass.

All of which is respectfully submitted.

CRANFORD,
Chairman.

Bill read first time with substitute.

By Senator Lane:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Roads and Bridges, to whom was referred,

Senate bill No. 283, entitled "An act to regulate and fix the mode and manner in which county commissioners' courts shall proceed before being authorized to create an indebtedness exceeding a certain amount against counties,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,
Chairman.

Bill read first time.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House substitute Senate bill No. 1, entitled "An act to provide for the printing and publishing the decisions of the Supreme Court and Court of Appeals for the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 314, entitled "An act to provide for payment of fees to district and county attorneys in quo warranto and injunction cases to which the State is a party,"

Have had the same under consideration,

tion, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that where the State recovers judgment in a quo warranto or injunction case the State attorney shall be allowed twenty dollars for his services, and the same to be taxed against the defendant.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

House bill No. 305, entitled "An act to quiet land titles in the towns of Socorro, Ysleta and San Elizario,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The purposes of the bill are set forth in the title.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, February 27, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Public Lands, to whom was referred

Substitute House bills Nos. 474 and 478, entitled "An act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the Legislature herein named,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill provides for the extension of the payments on the University and common school lands.

All of which is respectfully submitted.

MCDONALD,
For Committee.

Bill read first time.

By request of Hon. J. W. Parker, Senator Claiborne sent up the following minority report of joint committee to visit the penitentiaries, farms, convict camps, etc., to-wit:

MINORITY REPORT.

Minority report of the special committee to visit the penitentiaries of the State.

Hon. F. P. Alexander, Speaker of the House of Representatives, and Hon. T. B. Wheeler, President of the Senate:

GENTLEMEN—The undersigned, a minority of your joint committee of the Senate and House appointed under, and acting by virtue of House concurrent resolution passed January, 1889, to visit and examine into the condition, management and operation of the penitentiaries, the State farm in Fort Bend county and the different plantations on which convicts are employed, and as far as practicable the railroad camps where they are employed, to determine the number of convicts in the State, to investigate the practicability of confining all the convicts within prison walls and the additional penitentiary room necessary to the accomplishment of that end, the best manner of constructing the same, to devise means to prevent escapes and prevent competition with the honest labor of the country, and after investigating report the result to the Legislature, together with such conditions and recommendations as they may deem fit and proper, and also to inquire into the propriety of constructing additional sewerage at the Huntsville penitentiary, beg leave to dissent from the majority report and to submit the following account of the investigation and its results and methods, together with such recommendations as are warranted by said inquiry and its results. While the minority does not desire to be wearisome, verbose or prolific, yet it is incumbent on it to pursue and answer at length the Cousin Sally Dillard story of the majority.

As detailed in the majority report, the committee was organized, and on the last day of the first month of the year 1889, left Austin for Rusk, the committee having decided to make that the initial point of the investigation. Having been previously notified by one of the committee, Major Goree, accompanied by Financial Agent Parish, met the committee at Jacksonville, and together we journeyed to Rusk, arriving there in good health and spirits at 1 p. m., February 1. At 2 o'clock the committee met, and a sub-committee composed of this minority and Senator Atlee and Representative Brown were de-

tailed to examine into the books of the institution and those of the financial agent. Our first point of observation was

THE CHAPEL.

Here we met the presiding chaplain, Rev. J. C. Woolam, who was evidently well satisfied with his evangelical occupation, and had the air of a good man who was in the habit of drawing his salary regularly. Your minority did not see many evidences of grace, nor discover any great spiritual upheaval. It was doubtless profitable to the prisoners in the way of recreation, being a weekly relief from the monotony of work and cell confinement. If there was any of "the highest order of church music" it doubtless went no further than the ceiling. We heard none of it, and the majority's "concord of sweet sounds" was never visible to the naked eye. The stage and theatre at one end of the building "was not used at intervals" during our visit either for the "edification or amusement of the convicts."

THE KITCHEN

next underwent supervision at the hands of the committee, still accompanied by Major Goree and Financial Agent Parish. This department was reasonably clean and evidenced care and attention on the part of those in charge; but while this is true, the service and the menu will not compare favorably with that of the Driskill, Hoffman House or St. Charles. The food looked wholesome and palatable, and there was plenty, but no indications of any lavish extravagance. The bill of fare seemed to consist of a pot pourri of meats, vegetables and relishes all boiled together.

The coffee boiler was quite large, but the committee did not sample it, and consequently could not judge of its quality. That which was served to the committee in a separate apartment was strong and had a fine flavor. The convicts complained that the fluid was hardly strong enough to walk off with the boiler and escape from the penitentiary.

THE BAKERY

was in good fix, neat and clean, and the article of bread on exhibit made of fair flour and wholesome; however, it could not be classed as snow flake, as might be inferred from the majority report, and the committee was still accompanied

by the superintendent and financial agent. Accompanied by Superintendent Goree and Mr. Parish, we next inspected the dining hall and the convicts at mess. There was an air of cleanliness about the place. The benches and tables were arranged in rows and each prisoner was furnished with a tin plate, tin cup and serviceable cutlery. There was no chinaware, pearl handled knives nor silver forks and spoons. There was plenty of food, and the prisoners seemed to eat with a relish and growing appetite. Still under the courteous surveillance of Superintendent Goree and Financial Agent Parish, we visited the

STORE ROOM

and found it well stored with various articles of food, principally necessities, such as bacon, molasses, sugar and coffee, flour, etc., but our examination was not to the mind of the minority at least critical enough to determine whether their quality was "fine or superfine." Under the guidance of the superintendent and financial agent your committee proceeded to take a bird's eye view of the prison

ORCHARD

which has the appearance of a good one, and bids fair to be fine. From Maj. Goree we learned that it contained three or four thousand trees, young and old, and "was the finest in the State." The convicts testify that in season they are supplied with a reasonable amount of fruit.

THE OLD ALCALDE ELAST FURNACE

next invited our attention. This was to a majority of your committee a novel and interesting phase of our spectacular visit. Manager Barrett was diligent and polite in explaining its appointments and uses. In his opinion the equipments were first-class and gave general satisfaction, and in many conditions of their use exceeded his most sanguine expectations. We witnessed several runs of twelve or fifteen tons of ore and were informed by the manager that this was several tons in excess of the original estimated capacity. The pig iron, the result of these runs, is in great demand, and readily brings in market one dollar and fifty cents to three dollars per ton more than Pennsylvania, Missouri or Alabama iron.

To the lovers of the awful, the grand and the beautiful

a visit to this mammoth enterprise will be fraught with incalculable interest, untold pleasure and valuable instruction. While the runs are in progress the crackling, sizzling, seething, hissing volumes of liquid iron impress one with the idea that the slumbering fires which heaped the molten lava upon ungodly Pompei and Herculaneum had escaped from their boulder-girded prisons, and that a new Vesuvius and Ætna had sprung, fiery and Minerva like, from the rock-ribbed and iron-clad mountains of Cherokee county. At night, the situation is awe-inspiring, fascinating, surpassing the power of pen to picture or language to describe.

The blood red blaze from the cloud capped cupola sheds a lurid carnival of light o'er the country for miles and miles around. The effect is marvelous and terrific. In comparison therewith the aurora borealis of the northern skies pales into insignificance. The night your committee viewed it, the transcendent brilliancy of the scarlet glare put out the silvery sheen of the moon, and after the morning stars had sung together a mournful dirge instead of their accustomed joyous refrain, old Sol, the wheels of the radiant God's chariot being clogged, hung his head for very shame, and did not put in an appearance until midday. Your minority was informed that local evangelists in this section utilized this spectacle, as a warning to those "who walked in the ways of the ungodly," and would on occasions state to their congregations that after visiting the unexplored bottomless pit of the future, they would be glad of the opportunity to be sentenced to confinement in the cauldron as a cooling off station; and during all of this sight seeing your committee were closely and hospitably accompanied by Maj. Goree and Financial Agent Parish.

THE PIPE FOUNDRY

was the next objective point of inquisitorial visitation, and, accompanied by Major Goree and Financial Agent Parish, this department in all its ramifications received our attention. We were not experts, but were informed that the "molds, cases, travelers, heating and drying furnaces for melting ore all operate like clock work and are perfect in equipment." The pipe produced is three to twelve inches in diameter, and, "as your committee were informed" (and of course must believe), is of the best quality. The manufacture

of this piping is now profitable and will in time become the most valuable of the products of the Rusk branch of the penitentiary system. While your minority was favorably impressed with "the energy and activity" of the convicts here employed, and would be inclined to laud them for their zeal in behalf of the State and the taxpayers, we, notwithstanding the generous hospitality and entertainment previously extended us, were not in a situation to overlook the fact that, in and around the working space there were stationed a goodly number of sturdy fellows with Colts pistols and breech-loading shotguns; and in the background an ever ready and obliging underkeeper with a strap which had rung the changes on many an embarrassed convict who had declined to perform his allotted task; and notwithstanding their seeming infatuation with their work, the minority is of the opinion that in the absence of restriction, any and all of them would display and activity an energy very much superior to that spoken of in the majority report, if an opportunity was afforded them to leave. In the absence of time and opportunity for a more thorough and critical examination of all the details of the workings of this feature of the industry, the minority takes pleasure in referring your honorable bodies to the exhaustive report of Financial Agent Parish.

And accompanied by Major Goree and Financial Agent Parish your committee meandered over to

THE FOUNDRY

and found, as far as men who knew nothing of this kind of work could, that things were in good working order and the department well managed and conducted. Of course we had in a great measure to rely upon the information of those in charge of affairs, who were doubtless well capacitated to furnish the information. However, there were no stoves cast in our presence. So far owing to competition this stove business has not proven profitable.

The pillars and girders shown us as samples of the work, were immense and the minority is, on the authority of Manager Barrett, enabled to state that the work will compare favorably with like character of work turned out in any other foundry.

THE MACHINE SHOPS

next attracted our attention. There was no practical machinist in our

party, and guided by the information received from those engineering the visiting committee, the minority adopts their opinion and says that the machinery is *A1* and of the latest improved pattern and construction.

There seems to be an insufficiency in the machinery service, and Manager Barrett, who is thoroughly master of the situation, declares the demand for various kinds of works is vastly in excess of the supply from the machinery at its present capacity. He has the machinery now needed "on his list," the estimated cost of which is sixty-two thousand and seventy-five dollars. With this amount of money additional machinery can be put in operation, and thereby give employment *within the walls* to some three hundred or more convicts.

This branch of iron industry is furnishing the material for the construction of the furnaces soon to be erected at New Birmingham, a few miles distant. In this connection, your minority present the following: The reports of Superintendent Goree and Financial Agent Parish, supported by the report of the visiting committee, clearly demonstrates that under unfavorable circumstances the State's iron interests have been profitable. The supply of iron ore is inexhaustible and the quality superior to any yet discovered in America. It is well known that millions of capital of private individuals is being invested in New Birmingham, but a few miles distant. Lands are being purchased, furnaces, foundries, mills and business houses going up and being constructed. There is a probability that thousands of laborers will be employed, and that which a few months ago was a comparative wilderness is soon to be a positive city. With this as a predicate, your minority propounds this pertinent inquiry: Why cannot the State penitentiary at Rusk be enlarged, other furnaces established, increased machinery purchased and employment given to nearly, if not quite all, of the State's convicts? The industry now pays a handsome profit, and the only drawback in the way of increased revenue seems to be the contracted character of railroad transportation. In this connection your minority suggests for the consideration of your honorable bodies a proposition that the State build a railroad or roads connecting with the trunk lines adjacent, and that the convicts be utilized in its construction and equipment. Every convict could be employed in some capac-

ity or other in the furnaces, mines, pinneries, coaling station, etc. It does not require any great degree of skill to dig ore, chop wood, cart it, and burn coal; certainly if in its cramped condition with limited transportation and on a small scale there is now a profit in the business, then grand indeed must be the results when operated on the scale suggested.

Still accompanied by Major Goree and Financial Agent Parish, your committee next encountered

THE HOSPITAL,

and found it admirably adapted to furnishing attention and some degree of comfort for the sick. The presiding steward seemed competent. We heard no boasting on the part of the invalids as to their treatment, nor did we hear any condemnatory expressions on their part. In regard to the incurable cases mentioned in the majority report the minority heartily concurs. From the hospital your committee, accompanied as on all other occasions, entered

THE DISPENSARY,

which was presided over by a convict of gentlemanly bearing and attainments. His books were a marvel of neatness, and, in fact, better kept than any we ever saw.

THE CLOTHING

of the convicts was warm and comfortable, the regulation stripes. Prince alberts, cutaways and spike tails were conspicuous only by their absence.

THE BATHING, WASHING AND SOAP

department next received the attention of your committee, accompanied as previously recited. The facilities for bathing and washing are excellent. The soap factory and laundry is presided over by a burly *block negro*, and such being the case, it struck your minority as being a little singular that there could ever be any *white washing* in penitentiary matters.

Accompanied by Major Goree and Financial Agent Parish, we next in a body encountered

THE PRISON,

a handsome, well constructed red sand stone building, conveniently arranged for the purposes to be subserved. We walked through the cor-

ridors and inspected some of the cells. They were clean, and the beds and bedding good enough. The minority was not informed that the sheets and pillow cases were changed every day, nor did we see any convicts who were offering to exchange feather beds for spring mattresses.

It was a pleasant change for your committee to emerge from the prison and its associations into

THE PRISON PARK,

which is "a thing of beauty and a joy forever." Court shaped in its topography, with its grass plots radiantly green, its lovely walks curbed with the lava crystals from the blast furnaces, and variegated shrubbery, it presented a strong contrast to the scenes through which we had lately passed. The green house is situated near the entrance to the dining hall, and as the convict dinner-ward plods his weary way, his languid eye is cheered by the gorgeous floral panorama of roses, geraniums, calacanthus, jessamines, pansies, tulips, heliotrope, daffodils and sweet violets, whose aromatic fragrance enhances an appetite already vigorous by reason of ore-bed and foundry duty in the service of the State.

Accompanied by the superintendent and financial agent, we made a very fair inquiry into

THE TREATMENT OF CONVICTS.

The principal complaint was on the score of punishment. Your minority was in a measure satisfied upon inquiry propounded to convicts and those in authority that the majority of the complaints were groundless, although some punishments may have been needlessly inflicted upon false accusations. There was universal dissatisfaction on part of prisoners with one Ezell, an underkeeper, the convicts regarding him as brutal and cruel, and the management declaring him an able and efficient officer. Ezell has been a long time in the business, and as a guard, assisted several of the escaping prisoners in "shuffling off this mortal coil." The means employed was a breech-loading shotgun. Here, your minority would suggest that a long term of service in such capacity has a tendency to make the one in authority brutal, and to be numb and dwarf the finer and more humane faculties and sensibilities,

and it may be that as an underkeeper, Ezell has outlived his usefulness. Taken altogether, the minority considers

THE RUSK PRISON

a first class place for convicts, and agrees that it will compare favorably with other institutions of like character, and would advise any citizen looking for a prison berth to get a requisition for that place. Your committee, still accompanied as before stated, having concluded their hasty examination of Rusk penitentiary, left on a special train provided them for the

COALING STATION,

fifteen miles distant, and arrived at our destination at 12:30 p. m., February 3, 1889. In the matter of the description of the natural scenery about the camp your minority accept the majority report, and also as regards the amount of timber consumed and coal produced.

The building and all its surroundings is certainly on a very economical scale. Your minority found that the men, prisoners employed, were dirty and greasy and smutty, and looked as if they were poorly cared for and fed. The kitchen was unclean and odorous and the food and its preparation abominable. Two boys here employed complained that they were forced to do the work of men, to put up one and one-half cords of wood per day, and that the task was too onerous for them. We examined their hands and found them in a most deplorable condition. We found here a magnificent pack of blood hounds, about thirty in number, seemingly eager for a chase, fat and sleek and healthy in striking contrast with the condition of the human beings at work at the station. Notwithstanding the poverty of their surroundings, the convicts had an organ and flute, and made some very good music. The committee contributed of their mileage and per diem to their library fund, and after viewing the landscape o'er, boarded their special and hied them away, stopping en route to take in Alto, a small local option town, where, after diligent inquiry, they discovered and partook of some abominably bad whisky; it was even a shade worse and tougher than that provided at Rusk. Your minority endorse all that is said by the majority in com-

mendation of Sergeant Brown and take pleasure in reiterating the same. We left the coaling camp at 5:20 p. m., and at Rusk took supper and a special for Jacksonville, where we found more mean whisky, and reached Huntsville, still accompanied by Major Goree and Financial Agent Parish, at 5:20 o'clock p. m., February 4, 1889.

THE VARIOUS INDUSTRIES

of this branch of the system are admirably enumerated in majority report.

THE PENITENTIARY BUILDING

is old and dilapidated, and in no particular can compare with the one at Rusk. In our ramifications here, as at Rusk, we made no critical examinations; we were simply curious sight-seers, and relied implicitly on the statements of the financial agent and superintendent for nearly all our information. The only thing pertaining to the critical in our examination were the actual views of prison surroundings and accommodations visible to the eye, and the interrogations propounded to attaches and convicts. The management submitted books and vouchers to our inspection, but the undertaking was so monstrous in its proportions that the committee dared not tackle it, and the opinion of the minority is, that they were not fitted by education and experience to do so. Twenty experts could not examine and pass upon the books, vouchers and accounts in thirty days. The minority takes it for granted that all matters are correct, as reported by the penitentiary authorities, and in this respect are no worse off than my brother committeemen.

As for the manufactured articles, I suppose, as the majority assert, that they were first class, for in such category they were placed by the superintendent and financial agent. The movements of both penitentiaries, like Henry Ward Beecher's watch, are incomparably regular and correct; and in the way of machinery, the minority would suggest a provision for shops for the manufacture of improved cultivators, and like the majority, for further information the minority refers your honorable bodies to the financial agent's "exhaustive report."

Your committee were treated handsomely at this point, were regaled with fat turkeys, other viands, and furnished a much better quality of music and whisky than at the other places previously visited. The whisky

improvement was owing doubtless to the necessity for the article in a miasmatic country.

Accompanied by Major Goree and Financial Agent Parish your committee visited the

DINING ROOM AND KITCHEN.

These do not compare with those at Rusk. While the appointments of the latter are remarkably clean, the condition of of those at Huntsville is fearful. There is all around about and everywhere a state of uncleanness that in any place other than a penitentiary would amount to filthiness. There was no complaint of ill treatment on the part of the convicts, but they did complain bitterly and loudly, and justly, of weak coffee and poor food, and carelessness and uncleanness in its preparation. They all spoke in the highest terms of that noble gentleman, the underkeeper, Captain Smith, speaking of him as firm but kind, efficient but conservative.

It is but justice to say that the uncleanly state of affairs at Huntsville is in a great measure due to the dilapidated condition of the structure, its age and the lack of the proper sewer facilities. There is nothing modern about it. The minority is of the opinion that twenty thousand dollars would put it in tolerably decent shape and recommend an appropriation for that purpose, and if this be not done suggests that the institution be sold and the proceeds applied to the enlargement of the Rusk penitentiary. The construction of the buildings as compared with Rusk suggest the idea that Ossa had been piled on Pelion, and that they had broken up and settled in the same locality under the influence of a cyclone above and an earthquake below. Here, as at Rusk, the bookkeeping was principally in charge of the convicts. At the

PROVISION DEPARTMENT

we saw, accompanied by Major Goree and Financial Agent Parish, that there was a considerable amount of provisions on hand. We merely looked in, and made no comparisons or tests as to quality or where purchased or raised, or whether it was equal to any in the State. With Major Goree and Financial Agent Parish, we visited

THE HOSPITAL AND DISPENSATORY.

We found the doctors and nurses as

attentive and kind as was compatible with the surroundings. The hospital service is very good, but there is "an old jail" and "back-part-of-a-drug-store" odor about the place that is unpleasant to the olfactory organs of the healthy and strong, and certainly not conducive to the comfort of the sick and weakly.

In the matter of the sewerage investigation, the minority is of the opinion that the health of the inmates of the penitentiary and the citizens of Huntsville demands, and appeals to the humanity of your honorable bodies for relief. We were waited upon by the mayor, county judge and a committee of citizens, who represented the existing state of affairs, in an earnest but not arrogant manner; they were naturally solicitous for the welfare and health of their people. The mayor contended, and with good reason, too, that the fever epidemic of last fall was in a great measure owing to the filth and decay incident to lack of sewer facilities at the penitentiary. The minority suggests that this Legislature extend them relief. If any of the joint committee visited the Wynne and Johnson farms, it was done while the majority of the committee were taking in the Huntsville sights. In the absence of any knowledge of such visits, I take it that the information contained in the majority report with respect thereto is derived from a careful perusal of the financial agent's report, and must be correct. This is full and complete on this subject, and the minority respectfully refers your honorable bodies to the same, "from fly-leaf to back inclusive."

Your minority was of the committee to examine the books of the Huntsville prison. This examination was on a par with the one ostensibly conducted at Rusk, with the aid of convict bookkeepers, was a magnificent and gorgeous failure, and was as pyrotechnical in its results as the blast furnace illuminations at Rusk. There was nothing done in the nature of expert or critical examination and to have attempted it, with no expert bookkeeper on the committee, would, in the judgment of your minority, have been the height of absurdity. I agree with the majority that the system of bookkeeping is complete, as stated by the superintendent and financial agent. Since we returned from our pleasant junketing expedition some of the committee have developed bookkeeping talents, that no one would have suspected or accused

them of on the trip, and if it had been an offense against the law to be a bookkeeper, and all of the joint committee arraigned at Huntsville and tried none of them would have remained at the penitentiary. It looks, at least to a man up a tree, that since their return, having had access to and leisure to examine with a "critic's and connoisseur's" eye the penitentiary reports, they are gradually becoming better bookkeepers and accountants. In the matter of bookkeeping for the information of your honorable bodies reference is here made to those reports. The statement of the majority with respect to

WM. NEAL RAMEY

is correct. Notwithstanding his misfortunes, he has a warm place in the hearts of the convicts. They loved and revered him, and speak highly of his humanity and regret the severance of his connection with the institution. The committee, responding to the cordial invitation of citizens, visited the Sam Houston Normal School, and your minority was inveigled into making a speech, which was applauded vehemently, owing to the fact that its principal ingredient was *brevity*. We were entertained with beautiful music and songs by lovely ladies, cultivated and handsome. The minority suggests that the next committee sent to Huntsville for any purpose be composed of bachelors, with a view to marrying off this miserable portion of the Legislature. It might be well to mention here that your committee, notwithstanding the time necessary for their hypercritical examination of books, accounts, etc., found time to visit the last resting place of

SAM HOUSTON.

We wept over the hallowed spot and reflected on the ingratitude of a republic that permitted the bones of her greatest hero and statesman to lie in quiescent solitude, with no towering monument or gilded mausoleum as a landmark to guide the pilgrim to his tomb. The

HARLEM, CUNNINGHAM AND ELLIS

plantations were not visited by your minority, because he was a citizen of that locality and perfectly familiar with their workings; but the balance of the committee started, under the

attentive supervision of Major Goree and Financial Agent Parish, and a portion of them in search of better accommodations and a more congenial climate, left via Houston for Austin. Your minority went thence to Houston, where was discovered a better article of whisky and some very fine fresh fish and oysters. When the minority returned the next day, the remainder of the majority, still accompanied by Major Goree and Financial Agent Parish, were found standing on the side track anxiously waiting and praying for a train to bear them away, and in about eight hours they had carefully examined into, critically inspected and were enabled to report intelligently upon these three mammoth plantations. It is very evident that the majority report on the workings of the

HARLEM FARM

is taken from the financial agent's report, and the minority accepts the information for what it is worth, and respectfully refers your honorable bodies to that document. In regard to the products, the minority is informed that there was no inventory made, and no investigation as to their character or quality, except such as is derived from the report cited above. The majority claims that the net profits on the Harlem farm for two years amount to the gratifying sum of sixty-four thousand six hundred and eighty dollars and nineteen cents. The minority differs with them to the tune of one hundred and forty-three thousand nine hundred and eighty-eight dollars and forty-seven cents. In other words, at the proper time the minority will show that instead of the farm being a source of profit to the State it is a dead loss, and during the two years of its conduct stands the State out of pocket seventy-nine thousand three hundred and eight dollars and twenty-eight cents. These figures are arrived at by an actual estimate of the cost of the running of the farm, legitimately compiled and compared with the sources whence the majority received their information. Now your minority suggests this pertinent inquiry. If a farm which cost

TWENTY-FIVE THOUSAND DOLLARS

to be run by the State costs eighty-thousand dollars for two years, how much will a farm purchased for

TWO HUNDRED THOUSAND DOLLARS

cost the State for the same length of time. After the application of the simple rule of three the incontestible answer is

SIX HUNDRED AND FORTY THOUSAND DOLLARS.

Now there may be some "method in the madness" of those who wish to work the convicts in the sugar industry. According to the reports

THE MORTALTY AMONG PRISONERS

presents some encouraging figures in the way of reducing the number of convicts. In the last two years four hundred and ninety-eight men have been worked in this industry in Fort Bend county. There have been twenty-seven escapes and fifty-seven deaths. At the least this rate of mortality shows that the sugar industry, if indulged in to excess and constantly pursued will eventually solve the vexed convict question, and that it is the most efficacious and expeditious way of transferring convicts from the sweets of sugar making to the "blast furnaces," presided over by his satanic majesty. And the "third whereas" of the Senate bill recommended by the majority in regard to the humanity of the farm movement is completely exploded when the "calcium" is turned on.

Well, after we left Houston, still accompanied by Major Goree and Financial Agent Parish, we reached Hearne, and after dividing the committee *in tres partis*, proceeded to inspect certain farms upon which convicts were employed; Representative McGehee, however, went to inspect the reformatory at Gatesville. A singular thing happened at Hearne. The superintendent and financial agent lost their ubiquity and one went with the party visiting the Lewis farm, of which number your minority was one, and the other with the committee to visit the Rogers farm.

The committee which visited

THE LEWIS FARM,

found the same in good shape and working well. This was one point at which we found no complaint of bad treatment. The convicts said they were provided with a sufficient quantity of well prepared wholesome food.

They were as cleanly in appearance as the circumstances, surrounding and accommodations of a farm camp would warrant. They said they had ample opportunities for bathing, and if any prisoner was unclean it was his own fault. The convicts were loud in their praises of the humanity and government of sergeant Briggs. They said he would not allow the guards to mistreat, curse or abuse them.

From Hearne, your committee returned to Austin, and at their very first meeting were gratified to find that they still had the services, attention and advice of Major Goree and Financial Agent Parish, both being present and answering to roll call.

Your minority emphatically disagrees with the majority, in that they assert that both penitentiaries are full to overflowing. On the contrary, we learned upon the information of Superintendent Goree and Financial Agent Parish that there was room for three hundred at Rusk and as much more room at Huntsville.

Your minority agrees with the majority in the matter of competition with honest labor. All men are daily competing with each other, both in and out of the penitentiary.

Your minority having met the demands of the situation and given a plain, unvarnished report of the junketing expedition, of their examinations and investigations, respectfully submit for your consideration the following recommendations, to-wit.:

First. The law of theft should be so amended that all larcenies under fifty dollars shall be misdemeanors, and if this be done, according to the statistics of the financial agent, in a few years the State can confine all its prisoners within the prison walls.

Second. The Legislature should, as nearly as possible, comply with the demands of the people and the fiat of the Democratic party as enunciated in their late platform, and provide additional penitentiary room, and confine all the convicts inside the walls of the penitentiary.

Third. A board of pardons should be instituted, whose duties it shall be to inquire into the condition, conduct and career of the convicts, and whenever, in their judgment, a convict should be relieved from service, make that recommendation to the Governor, submitting a brief of the facts on which their action is based. The minority does not desire to straddle the Constitution and take the pardoning power from the Governor in whom by

that instrument the power is exclusively vested.

Fourth. In the interests of humanity and economy, the incurably diseased, whenever the Governor is convinced that their friends and relatives will care for and provide for them, should be pardoned. And whenever, on the sworn certificate of the chaplain of the penitentiary, it is discovered that any convict has a real genuine incurable case of "the highest order of church music" religion, he should be recommended to the Governor for pardon. This suggestion is made because the minority believes that one of the objects of punishment is reformation.

Fifth. The salary of the physicians at Rusk and Huntsville should be increased to one thousand dollars per annum, and they be required to devote all their time to the inmates of the penitentiaries.

That, from the very efficient services rendered by convicts as clerks and bookkeepers, the appropriations for clerk and bookkeeper hire should be reduced. Our investigation developed the fact that about all of the work of this character is done by the prisoners, and possibly the same suggestions will apply to stewards and apothecaries.

Sixth. That the State go no further in the matter of buying and stocking farms, for the reason that when the convicts are all confined within the walls the State will have on hand many thousand acres of farm lands, an untold amount of second and third class machinery, hundreds of broken down work stock, poor oxen, old cows and muley bulls, not taking into consideration four or five hundred fine large fat dogs.

In the last six years enough money has been appropriated by the Legislature, together with the value of convict labor, to build first-class hotels to confine them in, with service, furniture and menu superior to that enjoyed by any member of the Twenty-first Legislature. The Legislatures have expended more money in evading the issue of confining them in the walls by "whipping-the-devil-around-the-stump" methods, suggested by penitentiary lobbyists, than would have constructed necessary buildings and erected granite monuments to those unfortunates at work on State farms, who, exclaiming "Give me liberty or give me death," fled from the "gaping muzzle of a double-barrelled gun loaded with blue whistlers; or who pass in their

checks under the soothing influence of a physician, who run his pills in an old fashion bullet mould, which turned out both the oblong and the round. The labor of the convicts can be utilized in building all necessary penitentiary room. They can make brick, pick rock, quarry stone, make mortar and drive nails. The same supervision they now have can superintend their work.

In the opinion of your minority, if all the convicts cannot be now placed within the walls, they should be hired out. The system of hiring out is the safest for the State. By this plan the State incurs no risks. The State has to equip her farm, stock it, buy farming implements and machinery, and take all risks of drouth, worms, overflows, freezes and failures incident to other crops on other farms. The State, while all powerful in most things, cannot influence the seasons or the clerk of the weather, and must submit to the same experience and vicissitudes as less favored individuals. If the State hires her convicts out at a fair price she is assured of the money and takes no risk. Under the hire or contract system the convicts are as much under State control as when worked on a farm owned by the State. Individual speculation is a personal right, but State speculation and adventure is not in keeping with our institutions and is condemned by the people. Is not this system on a parallel plane with "the competition with honest labor" idea? It occurs to the minority that such is the case. The penitentiary system should not own and control our State government, but should always be subordinated thereto. The State should control the institution, and not the institution the State. As matters now stand it looks as if the State government must succumb to the influence of the penitentiary system, and that the honest yeomanry must bow to the mandatory will of the insinuating penitentiary lobbyists.

STATE FARMING

is barbarous, impolitic, inhuman and a relic and prototype of slavery in its worst conditions and features. All the elements of the slave system exist. The State is the master; the sergeant, the overseer; the under-keeper, the driver; the dog sergeant, the dog trainer—and while the policy of slavery in Texas has been abrogated as to individuals, it would seem that the State of Texas, in her

sovereign capacity, regardless of the results of the war and the amendments to the Constitution of the United States, with a tenacious tenacity clings to the old system.

In regard to the method of punishment at the penitentiaries, farms and camps, your minority is constrained to moralize and philosophize.

THE WHIPPING POST

is generally conceded to be a relic of barbarism foreign to and obnoxious to the advanced civilization of the age. Now take a look at penitentiary punishments, for offences not criminal and undefined by any law, for a violation of a simple rule of conduct, and a rule the product of the arbitrary will and desires of the penitentiary management, a convict is stripped, bound and gagged and hit his nine and thirty and sometimes more, with a strap of sole leather as broad, as long, as *thick* as the report of the majority and less soothing and flattering.

It is not the intention of your minority to suggest the re-establishment of the whipping post for miniature felonies and misdemeanors, but the minority presents this inquiry:

Why not have a whipping post as a punishment and atonement for an offense against the law, in the first instance, after trial by a jury of his peers, representation by counsel, judgment and sentence by a court, rather than after conviction and sentence to the penitentiary, have him brutally and often unwarrantedly beaten and whipped by guards and brutal underkeepers for a violation or reported violation of some penitentiary or camp rule, without trial, without evidence, judgment or sentence. The prisoners are whipped upon the simple "ipse dixit" of a fellow prisoner or a guard. Contrary to the public sentiment of the State, inside the penitentiaries and camps are established whipping posts, in comparison with which, humanity and the dictates of justice considered, the old legal system is a paragon of conservatism and excellence. And consider also, that often these barbarous, belaboring punishments are inflicted to gratify the spleen or malice of some over-sensitive convict guard or underkeeper. The minority respectfully submits these reflections to the Legislature and suggests that each individual Representative and Senator put on his

thinking cap and ask himself the question, "Can such things be?"

Gentlemen of the Legislature, put these suggestions in your legislative pipes and smoke them. In conclusion, your minority desires to bear witness to the efficiency of the excellent services rendered by Mr. H. B. Fontaine, secretary of the visiting committee.

I would here undertake to pay a very high compliment to my clerk, for whose efficient services I am deeply grateful, but in consideration of the fact that he, as well as your minority, is modest and retiring in his nature, I refrain; and furthermore, having paid him out of my own pocket, he will doubtless feel satisfied as a citizen, unless the House of Representatives reimburses the minority for him as a clerk.

The minority also appreciates the services and courtesies and assistance of Superintendent Goree and Financial Agent Parish. Without their assistance neither the majority nor minority could have entered the penitentiary, and in the absence of it certainly could not have gotten out, and in that event your honorable bodies would have been deprived of the pleasure of perusing and digesting the valuable information contained in these reports.

Your minority, apologizing for the length of this report concludes by saying that the days for junketing committees to inquire into the penitentiary and convict systems have long since past. The necessity therefor has been obviated by the publication of

"THE EXHAUSTIVE REPORTS"

of the superintendent and financial agent and their regular attendance on the Legislature from "early morn to dewy eve." Their attitude to the Legislature is like the poor in the Scriptures—"Them we have with us always." They are with us when we meet, and on the day of adjournment they have not departed.

Respectfully submitted,
PARKER, of Fort Bend.

The President submitted the railroad commission, bill as

UNFINISHED BUSINESS,

And announced that Senator Tyler had the floor.

Senator Tyler yielded the floor, and

On motion of Senator Claiborne,
The proceedings in the House of

Representatives of the unveiling and presentation to the State of Texas of the portrait of Stephen F. Austin were ordered to be printed in the Journal.

[See *ante*, pages 353 to 360.]

On motion of Senator McDonald House Substitute Senate bill No. 1, a bill to be entitled "An act to provide for the printing and publishing the decisions of the Supreme Court of Appeals for the State of Texas,"

Was taken up out of its order by the following vote:

YEAS—29.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—None.

ABSENT—1.

Pope.

Senator McDonald moved to suspend the constitutional rule to read the bill the second time.

Adopted by the following vote:

YEAS—30.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—none.

The bill was read the second time and passed to its third reading.

On motion of Senator McDonald,
The constitutional rule was further

suspended to put the bill on its third reading and final passage by the following vote:

YEAS—30.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

The bill was read the third time and

Passed by the following vote:

YEAS—30.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetz,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None

On motion of Senator Glasscock, House concurrent resolution relative to removing the safe from the Temporary Capitol, known as the State Treasurer's safe, into the office of the Superintendent of Public Instruction, was taken up out of its regular order, and

On motion of Senator Claiborne, The resolution was postponed one day.

The President referred House bill No. 436 to the Committee on State Affairs.

On motion of Senator Harrison the regular order was suspended to take up out of its order Senate bill No. 151, a bill to be entitled "An act to amend

section 2, 3 and 5 of an act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property and the record thereof, approved April 22, 1879."

The bill was read the second time with a favorable committee report and ordered engrossed.

On motion of Senator Harrison,

The constitutional rule was suspended to put the bill on its third reading and final passage by the following vote:

YEAS—30.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Davis,	Simkins,
Field,	Sims,
Frank,	Stephens,
Glasscock,	Townsend,
Harrison,	Tyler,
Ingram,	Upshaw,
Jarvis,	Woodward.

NAYS—None.

The bill was read the third time and Passed by the following vote:

YEAS—29.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Seale,
Cranford,	Simkins,
Davis,	Sims,
Field,	Stephens,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—none.

ABSENT—1.

Pope.

Senator Tyler resumed the floor and made a lengthy argument in favor of a railroad commission.

Senator Stephens gained the floor to speak to the pending question, but yielded for the morning with the understanding that he be allowed it when the Senate met in the afternoon.

Senator Burges gave notice that he would move the previous question next Tuesday morning on the railroad commission bill.

By permission the following document was sent up:

By Senator Pope:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your committee on Internal Improvements, to whom was referred

Senate bill No. 311, entitled "An act to amend chapter 11, title 84. of the Revised Civil Statutes of the State of Texas, so as to add thereto another article to be known as article 4280a, which provides that the purchaser or purchasers of the roadbed, track, franchise, or chartered right of a railway company, sold out under decree of court or otherwise, may form a corporation for the purpose of acquiring, owning maintaining and operating such sold out property,"

Have had the same under consideration and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

By Senator Kimbrough:

A bill to be entitled "An act for the relief of the firm of M. D. Garlington & Co. for loss on shipment of fruit incurred in the State of Texas about October 3, 1887."

Referred to the Committee on Claims and Accounts.

By Senator Armistead:

A bill to be entitled "An act making an appropriation for the payment of costs due officers of Marion county in suits instituted in the district court of Marion county, under an act of the Legislature of the State of Texas, entitled an act providing for the condemnation and sale of land for delinquent taxes, approved June 2, 1873."

Referred to Committee on Claims and Accounts.

By Senator Woodward:

Petition of fifty-two citizens of DeWitt county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

On motion of Senator Burges,
The Senate adjourned till 2:30 p. m.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

Roll called.

No quorum present.

The Sergeant-at-Arms was dispatched to bring in the absent Senators.

A sufficient number of Senators having arrived to complete the quorum, the President announced a quorum present, and that Senator Stephens had the floor to discuss the pending business, the railroad commission bill.

Senator Stephens yielded the floor to Senator Townsend, who offered the following resolution:

Resolved, That the discussion on the railway commission be confined to the afternoon sessions from and after to-day.

The resolution was lost.

Senator Stephens made a strong argument against the pending commission bills.

Senator Kimbrough made a lengthy argument in favor of the pending question.

Senator Allen obtained the floor, and on motion of

Senator Townsend, the pending business was postponed till to-morrow after morning call.

Senator Allen entitled to the floor.

Senator Cranford sent up the following privileged reports:

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 94, being "An act to legalize the donation of property, to establish or assist in establishing professorships or scholarships in the University of Texas, or any of its branches, and to provide for the security and protection of their benefits in accomplishing the objects of their donors,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 280, entitled "An act to regulate civil actions for libel, slander and defamation of character,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 151, being "An act to amend sections 2, 3 and 5 of an act in relation to chattel mortgages and other instruments intended to operate as mortgages of or liens upon personal property and the record thereof, approved April 22, 1879,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

COMMITTEE ROOM,
AUSTIN, February 28, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 220, being "An act to amend article 218 of the Penal Code of the State of Texas,"

And find the same correctly engrossed.

CRANFORD,
Chairman.

On motion of Senator Armistead, Senate adjourned until 10 o'clock tomorrow morning.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, March 1, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal of yesterday was dispensed with.

On motion of Senator Armistead,

Senator McDonald was excused until Monday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Cranford:

Petition of seventy-eight citizens of Camp county, consisting of merchants, business men and farmers, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Sims:

Petition of citizens of Shackelford county, favoring a railroad commission.

Referred to Committee on Internal Improvements.

Resolution of Jones County Farmers' Alliance, favoring a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Armistead:

Petition of county and precinct officers of Marion county, asking the Legislature to purchase and distribute Sayles' Civil and Willson's Criminal Statutes.

Referred to Judiciary Committee No. 1.

By Senator Abercrombie:

Two petitions of citizens of Harris county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Claiborne:

Petition of county officers of Matagorda county, asking the Legislature to purchase and distribute Sayles' Civil and Willson's Criminal Statutes.

Referred to Judiciary Committee No. 1.

By Senator Upshaw:

Petition of citizens of Ellis county, opposing a railroad commission.

Referred to Committee on Internal Improvements.

By Senator Simkins:

Petition of fifty-two citizens of Navarro county, opposing a railroad commission.